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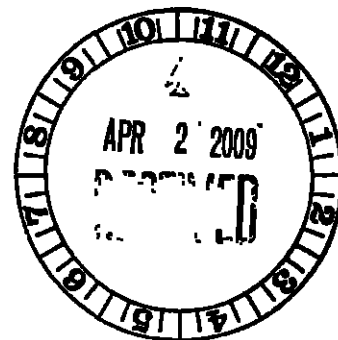
Eric M. Hocky
Direct Dial 215 640 8523
Email ehocky@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

VIA OVERNIGHT DELIVERY

Hon. Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street SW
Washington, DC 20024

April 1, 2009



224812

Re Murray-Calloway Economic Development Corporation
- Exempt Abandonment -
In Marshall and Calloway Counties, KY
STB Docket No. AB-1033 (X)

Dear Secretary Quinlan:

Enclosed for filing please find the original and 10 copies of the Notice of Exempt Abandonment of Murray-Calloway Economic Development Corporation. Also enclosed is our check in the amount of \$3700 representing the filing fee for this Notice.

Please time stamp the extra copy of the Notice to indicate receipt and return it to me in the self-addressed stamped envelope provided for your convenience.

Please let know if there are any questions about the filing. Thank you for your assistance.

Respectfully,

Eric M. Hocky

Pittsburgh

Philadelphia

Princeton

Wheeling

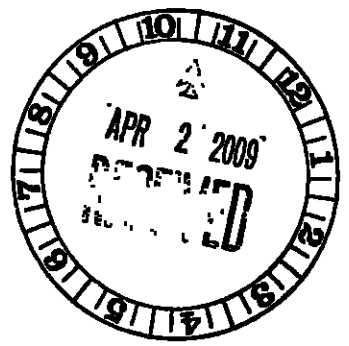
LMH/e

Enclosures

cc Mark Manning (by email, w/encl.)

Thorpe Reed & Armstrong, LLP
One Commerce Square
2005 Market Street
Suite 1910
Philadelphia, PA 19103
215 640 8500
215 640 8501 Fax

FEE RECEIVED
APR - 2 2009
SURFACE
TRANSPORTATION BOARD



224812

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No AB-1033 (X)

MURRAY-CALLOWAY ECONOMIC DEVELOPMENT CORPORATION

- EXEMPT ABANDONMENT -

IN MARSHALL AND CALLOWAY COUNTIES, KY

FEE RECEIVED
APR - 2 2009
**SURFACE
TRANSPORTATION BOARD**

NOTICE OF EXEMPT ABANDONMENT

ENTERED
Office of Proceedings
APR - 2 2009
Part of
Public Record

FILED
APR - 2 2009
**SURFACE
TRANSPORTATION BOARD**

ERIC M HOCKY
THORP REED & ARMSTRONG, LLP
One Commerce Square
2005 Market Street, Suite 1910
Philadelphia, PA 19103
(215) 640-5000

Attorneys for Murray-Calloway Economic
Development Corporation

Dated April 1, 2009

Before the
SURFACE TRANSPORTATION BOARD
STB Docket No. AB-1033 (X)

MURRAY-CALLOWAY ECONOMIC DEVELOPMENT CORPORATION
- EXEMPT ABANDONMENT -
IN MARSHALL AND CALLOWAY COUNTIES, KY

NOTICE OF EXEMPT ABANDONMENT

Murray-Calloway Economic Development Corporation ("Applicant" or "MCEDC") is seeking an exemption to abandon the segment of its line of railroad between milepost 30, near Hardin, Marshall County, Kentucky, and milepost 37.34 near Murray, Calloway County, Kentucky (the "Line"). MCEDC acquired the Line in 2005; there has been no local or overhead freight service on the Line since 2000. Any previous overhead service has long been rerouted.

This Notice of Exempt Abandonment is being filed pursuant to the requirements of 49 C.F.R. §1152.50. In accordance with such requirements, Applicant hereby states as follows:

1. The exact name of Applicant is Murray-Calloway Economic Development Corporation.

2. Applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, chapter 105. (Applicant has not operated service over the Line. Its remaining line is currently leased to another operator.) Applicant acquired the Line from Hardin Southern Railroad in 2005.¹

¹ See *Murray-Calloway Economic Development Corporation Acquisition Exemption – Hardin Southern Railroad, Inc.*, STB Finance Docket No. 34742 (served September 7, 2005).

3 The relief sought is the abandonment of the segment of its line of railroad between milepost 30, near Hardin, Marshall County, Kentucky, and milepost 37 34 near Murray, Calloway County, Kentucky

4 A detailed map of the Line is attached hereto as Exhibit A

5 The representative of Applicant to whom correspondence should be sent is

Eric M. Hocky, Esquire
THORP REED & ARMSTRONG, LLP
One Commerce Square
2005 Market Street, Suite 1910
Philadelphia, PA 19103
(215) 640-8500

6 The Line to be abandoned traverses United States Postal Service ZIP Codes 42048, 42036, 42020 and 42071

7 Applicant believes that the right of way may be suitable for use as a trail or other public purposes. Information in Applicant's possession regarding any restrictions on title will be made available by Applicant on reasonable request.

8 Applicant proposes to consummate the abandonment on or after May 21, 2009

9 Applicant certifies that

(a) No local traffic has moved over the Line for at least two years. (The last local freight service was in 2000.) There has been no overhead traffic since before Applicant acquired the Line in 2005; any previous overhead service has long been rerouted.

(b) No formal complaint by a user of rail service on the Line, or a state or local government entity acting on behalf of such user, regarding cessation of service over the Line either is pending with the Board or any U.S. District Court or has been decided in favor of the complainant within the two year period.

10 Although no employees of Applicant will be affected by the proposed discontinuance, Applicant recognizes that this abandonment will be made subject to the employee protective conditions in *Oregon Short Line Railroad Co --Abandonment--Goshen*, 360 I C C 91 (1979)

11 Applicant filed an Environmental/Historic Report with the Board on March 11, 2009

12 Applicant has complied with the notice requirements of 49 C F R §1105.11. Notices were published on March 17, 2009, in *The Murray Ledger Times* and *The Benton Tribune*. The form of notice is attached as Exhibit B. Applicant has not yet received the proofs of publication, and will provide copies once they have been received.

13 Applicant has complied with the notice requirements of 49 C F R §1152.50(d)(1). Copies of the notices dated March 17, 2009, sent to governmental agencies are attached hereto as Exhibit C. The notices included copies of the Map attached as Exhibit B.

For the reasons set forth above, the Board should find that Applicant's proposed abandonment satisfies the exemption requirements of 49 C.F.R. §1152, and should issue the appropriate notice

Respectfully submitted.



ERIC M. HOCKY
THORP REED & ARMSTRONG, LLP
One Commerce Square
2005 Market Street, Suite 1910
Philadelphia, PA 19103
(215) 640-8500

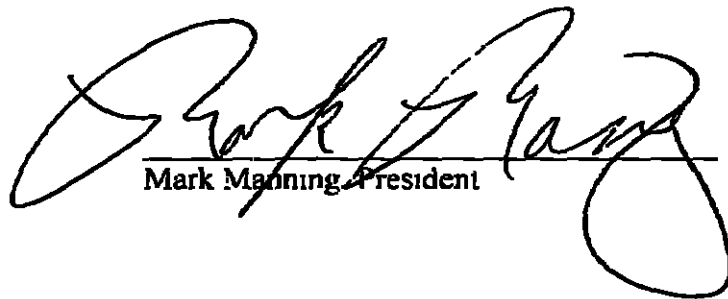
Attorneys for Munay-Calloway Economic
Development Corporation

Dated April 1, 2009

VERIFICATION

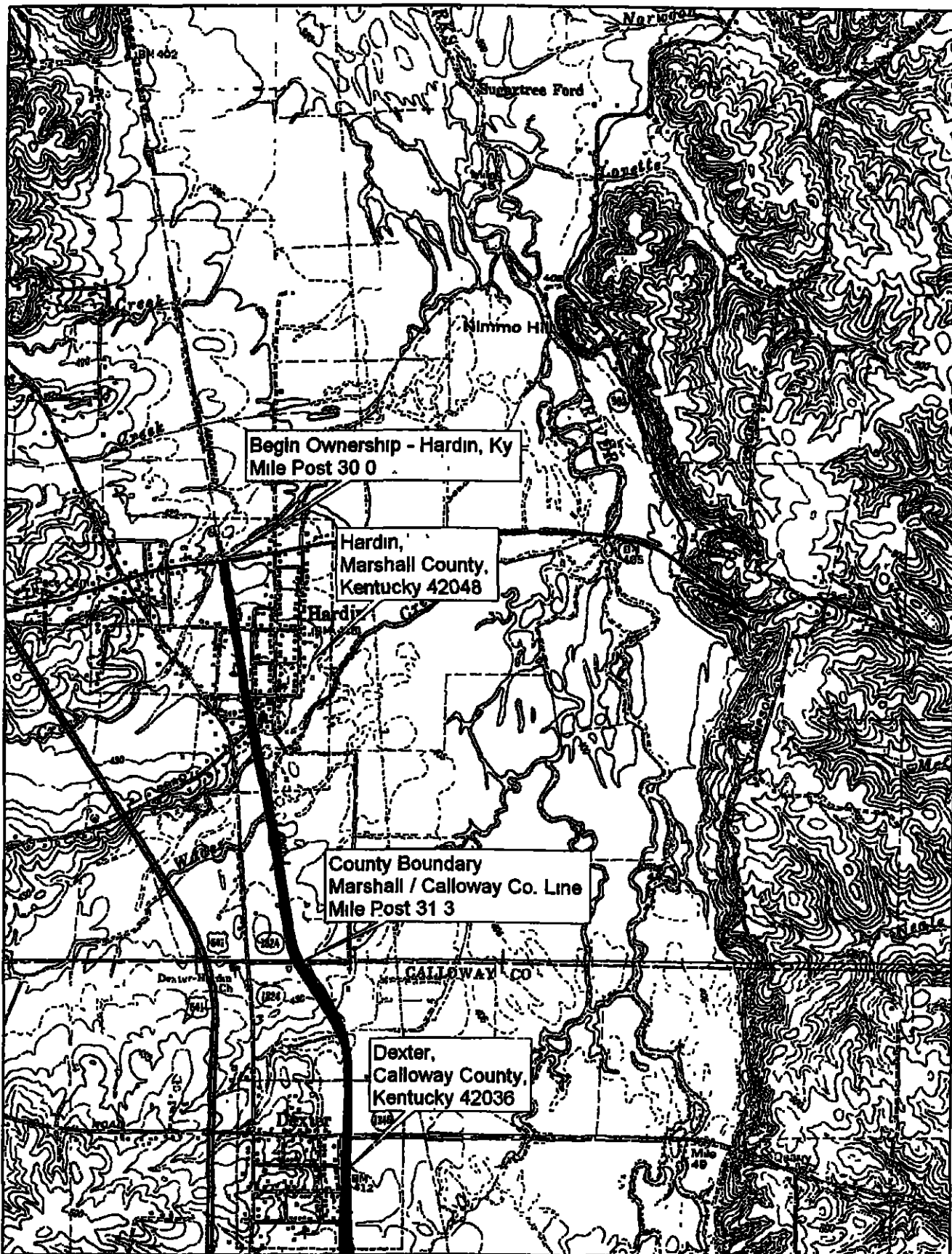
I hereby verify on behalf of Murray-Calloway Economic Development Corporation, under penalty of perjury, that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verification

Executed on April 1, 2009.

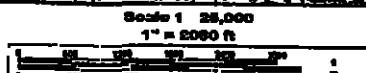


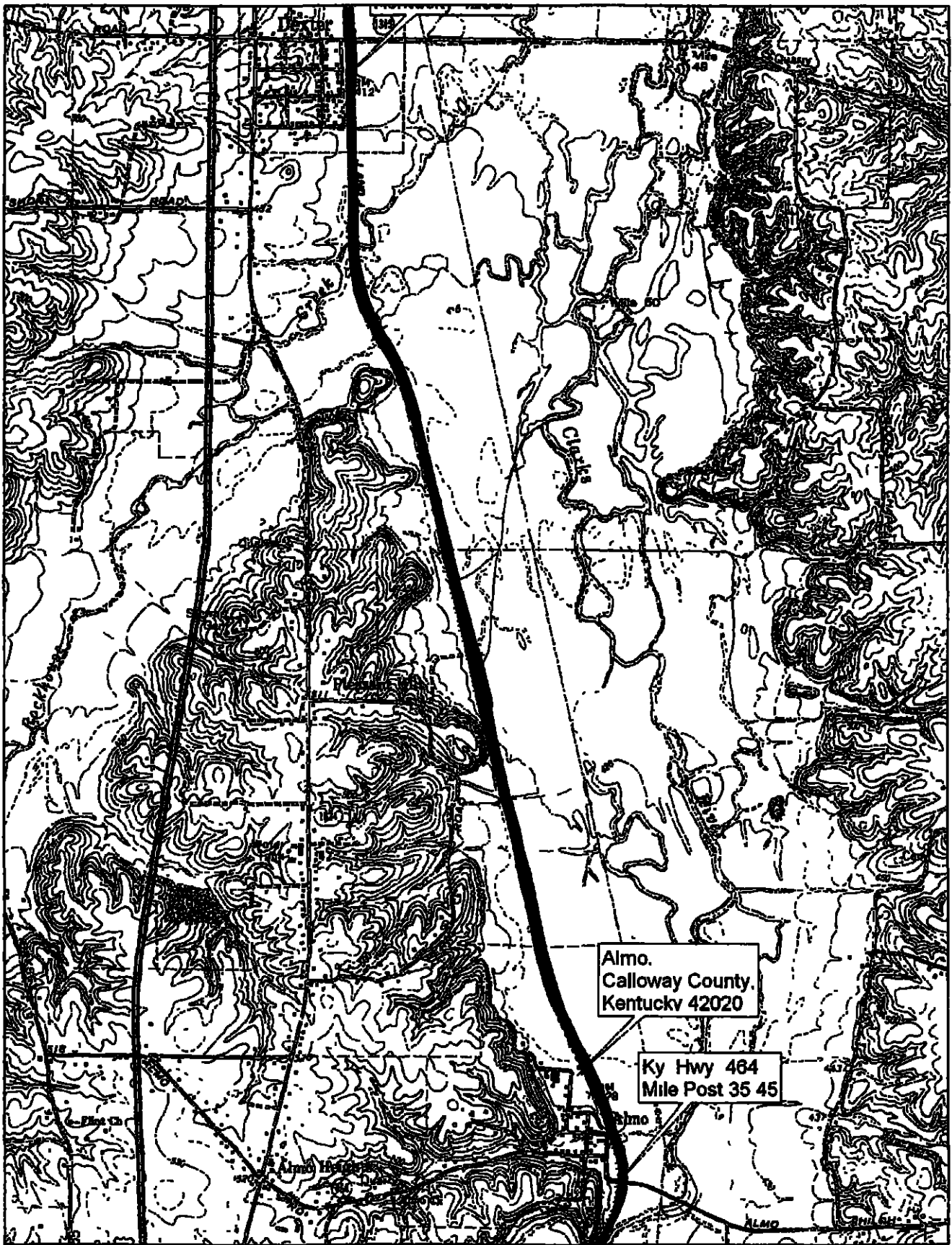
Mark Manning, President

EXHIBIT A - MAP



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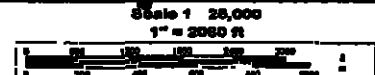


Almo.
Calloway County,
Kentucky 42020

Ky Hwy 464
Mile Post 35 45



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 **DELORME**

© 2002 DeLorme 3-O TopoQuads © Data copyright of content owner

Scale 1" = 20,000'

1" = 2000 ft



EXHIBIT B – NEWSPAPER NOTICES

NOTICE OF INTENT TO ABANDON RAIL SERVICE

The Murray-Calloway Economic Development Corporation ("EDC") gives notice that on or about March 31, 2009, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption pursuant to the provisions of 49 CFR 1152 Subpart F – *Exempt Abandonments*, permitting the abandonment of the 7.5-mile segment of the former Hardin Southern Railroad, which runs from Milepost 30, near Hardin, Marshall County, Kentucky, through to milepost 37.34, near Murray, Calloway County, Kentucky. This line also runs through Dexter and Almo, both in Calloway County and traverses through United States Postal Zip Codes 42048, 42036, 42020 and 42071. The proceeding will be docketed as STB Docket No. AB-1033(X).

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public, and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001 or by calling that office at (202) 245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001 [see 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant's representative [see 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs and Compliance at (202) 245-0238. Copies of any comments or requests for conditions should be served on the applicant's representative Eric M. Hocky, Esquire, Thorp Reed & Armstrong, LLP, One Commerce Square, 2005 Market Street, Suite 1910, Philadelphia, PA 19103, (215) 640-8500.

EXHIBIT C – 10 DAY NOTICES



Eric M. Hocky
Direct Dial 215 640 8523
Email ehocky@thorpreed.com

ATTORNEYS AT LAW SINCE 1896

U S Department of the Interior -
National Park Service
RTCA Program (Org code 2240)
1849 C Street, NW
Washington, DC 20240

March 17, 2009

RE Murray-Calloway Economic Development Corporation
- Exempt Abandonment -
Marshall and Calloway Counties, Kentucky
STB Docket No AB-1033 (X)

Dear Sir or Madam

This letter is being sent to you pursuant to the requirements of 49 C.F.R. §1152.50(d), to advise you that Murray-Calloway Economic Development Corporation ("MCEDC") plans to seek Surface Transportation Board ("STB") authorization for its proposed abandonment of the line of railroad described below, by filing a verified notice of exemption pursuant to the provisions of 49 CFR 1152 Subpart F. MCEDC expects to file the notice of exemption with the STB on or about March 31, 2009, under STB Docket No AB-1033 (X).

MCEDC will be seeking an exemption to abandon its operations over the approximately 7.5-mile segment of the former Hardin Southern Railroad, which runs from Milepost 30, near Hardin, Marshall County, Kentucky, through to milepost 37.34, near Murray, Calloway County, Kentucky. This line runs also runs through Dexter and Almo, both in Calloway County and traverses through United States Postal ZIP Codes 42048, 42036, 42020 and 42071. A map of the line is enclosed with this letter.

MCEDC understands that the line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

MCEDC intends to salvage the track and materials for sale (a small portion may be stockpiled for use elsewhere on its remaining line segment) following the line's abandonment.

MCEDC filed an Environmental/Historic Report with the Surface Transportation Board on March 11, 2009, and will provide a copy upon request.

Very truly yours,

Eric M. Hocky

EMH/
Enclosure

(POC56232)

Pittsburgh

Philadelphia

Princeton

Wheeling

Thorpe Reed & Armstrong LLP
One Commerce Square
2005 Market Street
Suite 1900
Philadelphia, PA 19102
215 640 8500
215 640 8501 Fax



Eric M. Hocky
Direct Dial 215 640 8523
Email ehocky@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

Kentucky Transportation Cabinet
Division of Planning
200 Mero Street - Mail code W5-05-01
Frankfort, KY 40622

March 17, 2009

RE Murray-Calloway Economic Development Corporation
- Exempt Abandonment -
Marshall and Calloway Counties, Kentucky
STB Docket No AB-1033 (X)

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Eric M. Hocky

FMH/
Enclosure

Pittsburgh

Philadelphia

Princeton

Wheeling

Thorpe Reed & Armstrong LLP
One Commerce Square
200E Market Street
Suite 1900
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(P0056632)



Eric M. Hocky
Direct Dial 215 640 8523
Email ehocky@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

Office of Chief of Forest Service
U S Department of Agriculture
Auditor's Building
201 14th Street S W and Independence Ave , S W
Washington, DC 20250

March 17, 2009

RE Murray-Calloway Economic Development Corporation
- Exempt Abandonment -
Marshall and Calloway Counties, Kentucky
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Eric M. Hocky

EMH/
Enclosure

(P0056832)

Philadelphia

Philadelphia

Philadelphia

Whiting

Thorpe Reed & Armstrong, LLP
One Commerce Square
2005 Market Street
Suite 1910
Philadelphia, PA 19103
215 640 8500
215 640 8501 Fax



Eric M. Hocky
Direct Dial 215 640 8523
Email ehocky@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

Military Surface Deployment and Distribution Command
Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for National Defense)
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

March 17, 2009

RE: Murray-Calloway Economic Development Corporation
- Exempt Abandonment -
Marshall and Calloway Counties, Kentucky
STB Docket No. AB-1033 (X)

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Very truly yours,

Eric M. Hocky

EMH/
Enclosure

(170054932)

Pittsburgh

Philadelphia

Princeton

Washington

Thorp Reed & Armstrong, LLP
One Commerce Square
2005 Market Street
Suite 19.0
Philadelphia, PA 19103
215 640 8500
215 640 8501 fax

CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the foregoing Notice of Exempt Abandonment was served on the following persons shown on the attached list by first class mail, postage prepaid



ERIC M HOCKY

Dated April 1, 2009

Service List for STB Docket No. AB-1033 (X)

Kentucky Transportation Cabinet
Division of Planning
200 Mero Street – Mail code W5-05-01
Frankfort, KY 40622

U S Department of the Interior -
National Park Service
RTCA Program
1849 C Street, NW
(Org code 2240)
Washington, DC 20240

United State Department of the Army
Military Surface Deployment and Distribution Command
Transportation Engineering Agency
ATTN SDTE-SA (Railroads for National Defense)
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

Office of Chief of Forest Service
U S Department of Agriculture
Auditor's Building
201 14th Street S W and Independence Ave . S W
Washington, DC 20250

Kentucky State Clearinghouse
1024 Capital Center Drive, Suite 340
Frankfort, KY 40601

Kentucky Department of Fish and Wildlife
Resources
~1 Sportsman's Lane
Frankfort, KY 40601

Commonwealth of Kentucky
Department for Environmental Protection
300 Fair Oaks Lane
Frankfort, KY 40601

U S Army Corps of Engineers
Civil Works Office
U S Army Engineer District, Nashville
P O Box 1070
110 Ninth Ave S
Nashville, TN 37202-1070

Commonwealth of Kentucky
Department of Environmental Protection
Paducah Regional Office
130 Eagle Nest Drive
Paducah, KY 42003-9435

US Army Engineer Division, Great Lakes
and Ohio River, CELRD
550 Main Street, Room 10032
Cincinnati, OH 45202-3222

Commonwealth of Kentucky
Department for Natural Resources
#2 Hudson Hollow
Frankfort, KY 40601

Mike Miller, County Judge/Executive
Marshall County
1101 Main Street
County Courthouse
Benton, KY 42025-1449

Larry Elkins, County Judge/Executive
Calloway County
101 South Fifth Street
County Courthouse
Murray, KY 42071-2567

United States Environmental Protection
Agency
Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-8960

U S Fish and Wildlife Service
Southeast Division
Sam Hamilton, Regional Director
1875 Century Blvd , Suite 400
Atlanta, GA 30345

Mr Richard A Snay
Chief, Spatial Reference System Division
United States Department of Commerce
NOAA, N/NGS2
SSMC3, Room 8828
1315 East-West Highway
Silver Spring, MD 20910

David Vela, Regional Director
National Park Service, Southeast Region
100 Alabama St SW
1924 Building
Atlanta, GA 30303

Dick Coombe, Regional Asst Chief, East
Natural Resources Conservation Service
USDA, NRCS
14th and Independence Ave . SW, Room
6101-A
Washington, DC 20250

Kentucky Natural Resources Conservation
Service
771 Corporate Drive, Suite 210
Lexington, Kentucky 4050

Natural Resources Conservation Service
Marshall County
Benton Service Center
107 W 5th St
Benton, KY 42025-1123

Natural Resources Conservation Service
Calloway County
Murray Service Center
88 Robertson Rd S
Murray, KY 42071-4658

Ms Donna Neary, SHPO & Executive
Director
Kentucky Heritage Council
300 Washington Street
Frankfort, KY 40601